

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being submitted *via* the USPTO EFS Filing System on the date shown below to **Mail Stop Appeal Brief-Patents**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: April 14, 2008/Jessica Sexton/
Jessica Sexton**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Gregory L. Meredith, *et al.*

Examiner: Beth Van Doren

Serial No: 09/620,771

Art Unit: 3623

Filing Date: July 21, 2000

Title: LONG RUNNING TRANSACTION INTEGRATION WITH SELECTIVE
DEHYDRATION AND SELECTIVE COMPENSATION**Mail Stop Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

Dear Sir:

Appellants' representative submits this Reply Brief in response to the Examiner's Answer dated January 25, 2008. In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP105USA].

REMARKS

Claims 1-40, 42-46 and 48-52 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein. In particular, the following comments address deficiencies contended in the Examiner's Answer to appellants' Appeal Brief.

I. Rejection of Claims 1-22, 26, 28-40, 42-44, 46 and 48-52 Under 35 U.S.C. §102(b)

Claims 1-22, 26, 28-40, 42-44, 46 and 48-52 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hsu, *et al.* (U.S. 5,581,691). It is respectfully submitted that this rejection should be reversed for at least the following reasons. Hsu *et al.* fails to disclose all features of the claimed invention.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Appellants' claimed subject matter relates to effective utilization of system resources in long running workflow transactions. To that end, independent claim 1 recites ***a method of processing a workflow action within a schedule and having a latency attribute associated therewith, comprising initiating a workflow action, comparing a latency attribute with a latency threshold, and selectively storing data associated with a schedule in a storage medium based on the latency comparison.*** Claims 11, 30, and 32 recite similar limitations. Hsu *et al.* fails to disclose such claimed aspects.

Hsu *et al.* is directed towards a workflow management system and method for executing and tracking the progress of long running workflows and for recovering from system failures during the execution of long running work flows. At page 3 of the Examiner's Answer, the Examiner contends that Hsu *et al.* teaches selectively storing data associated with a schedule in a

storage medium based on the latency comparison. Appellants' representative avers to the contrary. In accordance with the subject claims, the system processes a workflow action within a schedule, where the workflow action has a latency attribute associated with it. The latency attribute is compared with a pre-determined latency threshold, and based on this latency comparison, more particularly, if the latency threshold is exceeded, the system selectively stores the schedule state information in a storage medium. On the contrary, Hsu *et al.* teaches a timeout duration value that indicates a maximum amount of time allotted for executing a step in a workflow, on exceeding that duration the step will timeout and its status marked as timeout. Once a timeout occurs, a compensation routine can be called or a history inspector module can reassign that step. Further, at the cited portions, Hsu *et al.* discloses adding a delay control step to the workflow that monitors a clock to determine when to terminate the workflow. The cited reference also discloses storing the results of each step in a workflow in a log record. This done for all steps in the work flow and used for system crash recovery as well as status monitoring. Further, at page 17 lines 11-12 of the Examiner's Answer, the Examiner concedes that in instances where timeouts do not occur, the system still logs the system inputs and outputs. Thus, the system does not teach *selectively storing data based on the latency comparison*. Thus, Hsu *et al.* is silent regarding ***selectively storing data associated with a schedule in a storage medium based on the latency comparison*** as recited by appellants' subject claims.

Independent claim 40 recites *recognizing a transaction boundary associated with a transaction and selectively compensating at least a first workflow action according to the transaction boundary and a compensation parameter based on abortion of a second workflow action*. Independent claim 46 recites similar limitations. Hsu *et al.* fails to disclose such claimed aspects. At the cited portions, Hsu *et al.* teaches a step in a workflow, a flow controller that stores the results of each step and a compensation routine that is called when a step fails. The compensation routine does compensation for that step and all the steps preceding that step. Further at the cited portions, Hsu *et al.* discloses using the log records to recover from a system failure. In contrast, the claimed invention discloses a first workflow action getting aborted, checking a log to determine if other workflow actions within the transaction boundary have committed data, and selectively compensating a second workflow action that has committed data. Thus, Hsu *et al.* is silent regarding ***selectively compensating at least a first workflow***

action according to the transaction boundary and a compensation parameter based on abortion of a second workflow action as recited by appellants' subject claims.

Independent claims 51, and 52 recite **if the action state is aborted, and if the workflow action and transaction are related according to the transaction boundary, determining the transaction state of the transaction and if the action state is aborted, and if the workflow action and the transaction are related according to the transaction boundary, and if the transaction state is committed, performing an operation according to the compensation routine associated with the transaction.** Hsu *et al.* fails to disclose such claimed aspects. At the cited portions, Hsu *et al.* teaches a compensation routine called when a step in a work flow is given a timeout or aborted status. The compensation routine performs system recovery for that step and all the preceding steps in that workflow step. Further, at the cited portions, Hsu *et al.* discloses recovery from system failures. In contrast, the claimed invention discloses a workflow action getting aborted, determining if the workflow action and the transaction are related according to the transaction boundary, and if they are related and the transaction has committed, then compensating the transaction. Thus, Hsu *et al.* is silent regarding recite **if the action state is aborted, and if the workflow action and transaction are related according to the transaction boundary, determining the transaction state of the transaction** let alone **if the workflow action and the transaction are related according to the transaction boundary, and if the transaction state is committed, performing an operation according to the compensation routine associated with the transaction** as recited by appellants' subject claims.

In view of at least the foregoing it is readily apparent that Hsu *et al.* does not teach the identical invention in as complete detail as is contained in independent claims 1, 11, 30, 32, 40, 42, 46, 51 and 52 (and the claims that depend from). Accordingly, this rejection should be reversed.

II. Rejection of Claims 23-25, 27 and 45 Under 35 U.S.C. §103(a)

Claims 23-25, 27 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hsu, *et al.* (US 5,581,691). This rejection should be reversed for at least the following reasons. As previously discussed, Hsu *et al.* fails to disclose all limitations of independent claims 11 and 32 (from which claims 23-25, 27 and 45 depend). Accordingly, it is requested that this rejection should be reversed.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP105USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact appellants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731